IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3882 OF 2005

Sujit @ Ramkrishna Ganesh Lawande ...Applicant

Versus

Supriya Sujit Ramkrishna Lawande
and another ...Respondents

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Mr. R.S. Tripathi, Advocate for Applicant

Mr. Santosh Singh with Mr. Sambhaji Babar for Respondent No.1.

Mr. M.S. Mhambray, A.P.P. for State.

The original complainant present in person.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 27TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the applicant, the learned advocate for the respondent No.1 i.e. original complainant, the original complainant who is present in the Court and the learned A.P.P. for the State.

2. The petitioner i.e. original accused is seeking quashing of Criminal case No.726/P/1999 pending before the learned Metropolitan Magistrate, 9th Court, Bandra, Mumbai. The said case relates to F.I.R. No.359/99 registered U/sec. 498-A of I.P.C.

The petitioner who is the husband of respondent No.1, is the accused therein.

3. It is stated on behalf of the respondent No.1 i.e. the complainant who is present in the court and the petitioner who is original accused that the matter has been amicably settled among themselves and the complainant does not wish to pursue her complaint which is a private complaint. The complainant stated that they have settled the matter amicably between them and now she has no grievance against her husband.

4. It is submitted that though Section 498-A does not fall in the list under Section 320 of Cr.P.C., the High Court has the power to quash the case. Reliance was placed upon the decision of the Apex Court in the case of **B.S. Joshi and others Vs, the State of Harayana and another, reported in 2003 Cr.L.J. 2028.** In the said case, it is observed that Section 320 of Cr.P.C. does not limit or affect the powers of the High Court. If for the purpose of securing the ends of justice, quashing of complaint becomes necessary, Section 320 would not be a bar to the exercise of power of quashing.

5. Looking to the fact that complainant does not wish to pursue her complaint and looking to the fact

that the matter has been amicably settled among the parties, and in order to maintain amicable relations and peace between the parties, in my view, it would be appropriate that the proceedings relating to C.C.No. 726/P/1999 pending before the learned Metropolitan Magistrate, 9th Court, Bandra, Mumbai, are quashed. Hence, proceedings relating to C.C. No. 726/P/99 pending before the learned Metropolitan Magistrate, 9th Court, Bandra, Mumbai are quashed and set aside.

6. Criminal Application is disposed of.

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